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NEVER WAS DANGER OF A WAR WITH JAPAN

Secretary Root Makes Some Very Plain Statements Relative to the Recent San Francisco Muddle Which Attracted so Much Attention.

As President of the American National Law Society the Secretary of State Addresses the Association at its Meeting in Washington, Dealing Almost Exclusively With the Great Question Which has Only Recently Been Settled.

Washington, April 19.—The first meeting of the American Society of International Law was held here today. The chief feature was the discussion of the Japanese school question by Secretary of State Root. The sessions will be held two days and many famous lawyers and diplomats will speak. Secretary Root said in part:

It is a pleasure to be able to say that never for a moment was there, as between the Government of the United States and the Government of Japan the slightest departure from good temper, mutual confidence, and kindly consideration; and that no sooner had the views and purposes of the Governments of the United States, the State of California, and the city of San Francisco been explained by each to the other than entire harmony and good understanding resulted, with a common desire to exercise the powers vested in each, for the common good of the whole country of the State and of the City.

The excitement has now subsided, so that it may be useful to consider what the question really was, not because it was necessary for the purpose of that particular case, but because of its bearing upon cases which may arise in the future under the application of the treaty-making power of the United States to other matters and in other parts of the national domain.

It is obvious that three distinct questions were raised by the claim originating with Japan and presented by our National Government to the courts of San Francisco. The first and second were merely questions of construction of the treaty. Was the right to attend the primary schools a right, liberty, or privilege of residence? and, if so, was the limitation of Japanese children to the oriental school and their exclusion from the or-

inary schools a deprivation of that right, liberty, or privilege? These questions of construction, and especially the second, are by no means free from doubt; but as they concern only the meaning of a particular clause in a particular treaty they are not of permanent importance, and, the particular occasion for their consideration having passed, they need not be discussed.

The other question was whether, if the treaty had the meaning which the Government of Japan ascribed to it, the Government of United States had the constitutional power to make such a treaty agreement with a foreign nation which should be superior to and controlling upon laws of the State of California. A correct understanding of the question is of the utmost importance not merely as regards the State of California, but as regards all citizens of the Union.

There was a very general apprehension of what this treaty really undertook to do. It was assumed that in making and asserting the validity of the Treaty of 1894 the United States was asserting the right to compel the State of California to admit Japanese children to its school. No such question was involved. That treaty did not, by any possible construction, assert the authority of the United States to compel any State to maintain public schools to Japanese children or to the children of any alien residents. The treaty did assert the right of the United States by treaty, to assure to the citizens of a foreign nation residing in American territory equality of treatment with the citizens of other foreign nations, so that if any State chooses to extend privileges to alien residents as well as to citizen residents, the State will be forbidden by the obligation of the treaty to discriminate against the resident citizens of the particular country with which the treaty is

made, and will be forbidden to deny to them privileges which it grants to other foreign countries. The effect of such a treaty, in respect of education, is not positive and compulsory; it is negative and prohibitory. It is not of requirement that the State shall furnish education; it is a prohibition against discrimination when the State does choose to furnish education. It leaves every state free to have public schools or not, as it chooses, but it says to every State: "If you provide a system of education which includes alien children, you must not exclude these particular alien children."

It has been widely asserted or assumed that this treaty provision and its enforcement involved some question of State Rights. There was and is no question of State's rights involved, unless it be the question which was settled by the adoption of the Constitution.

This will be apparent upon considering the propositions which I now state: The people of the United States, by the Constitution of 1787, vested the whole treaty-making power in the National Government.

Legislative power is distributive; upon some subjects the National Legislature has authority; upon other subjects the State Legislature has authority. Judicial power is distributive; in some cases the Federal courts have jurisdiction; in other cases the State courts have jurisdiction. Executive power is distributive; in some fields the National Executive is to act; in other fields the State Executive is to act. The treaty-making power is not distributive; it is all vested in the National Government; no part of it is vested in or reserved to the States; in international affairs there are no States; there is but one nation, acting in direct relation to and representation of every citizen in every State. Every treaty is made by the National Government, as the direct and sole

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CHARLESTON GIVEN A GENTLE SHAKING.

Charleston, S. C., April 19.—An earthquake shock was distinctly felt here today. A very perceptible wave motion from east to west was noted. No damage resulted but grave fears were raised that there might be succeeding and greater shocks. Fear of a tidal wave following, is general. The shock was most distinctly felt at Somerville, a health resort, 20 miles from here, which seemed to be the center of the seismic agitation.

A PAIR OF WIDOWS

Now Claim the Estate of a St. Marys Man Who Died Recently.

Wapakoneta, Ohio, April 19.—It has developed that two women claim to be the widows of H. L. Milligan, who died last Monday at St. Marys and was buried yesterday at Defiance.

Tuesday a young woman appeared, declared herself to be his legal widow and mother of his children, and took charge of the funeral arrangements. Widow No. 2 denied her claims, saying she had a marriage certificate to prove her position, the certificate, however being in the possession of relatives at Adrian, Mich. Widow No. 1 says that her dead husband, when in business at Wauseon, Ohio, became acquainted with a young woman afterward bringing her with him to St. Marys, and that they lived together as man and wife until recently. Widow No. 1 won and went to Defiance with the corpse, while the other claimant remained at home.

EVELYN AND HARRY ARE GOING OUT WEST

New York, April 19.—Evelyn Thaw gave out a remarkable interview today. She said that when Harry is acquitted, they will go west and live on a ranch. She says she will never return to the stage.

ESCAPED CONVICTS AND POSSE CLASH

Atlanta, Ga., April 19.—A posse and the negro convicts, who escaped to Burham mines crashed, one convict was killed and two fatally wounded.

FATHER AND MOTHER DEAD; TWO BOYS ARE DYING

Chicago, April 19.—Two of the Mette boys, who were poisoned with arsenic, are believed to be dying at the hospital today. The father and mother are already dead. Nearly all of the family was insured.

A TESTIMONIAL.



—Jamieson in Pittsburg Dispatch.

PHILIPPINES ARE SHAKEN BY SEVERE EARTHQUAKE

Great Damage was Done in Many Cities but it is Believed no Lives Were Lost---Manila was Slightly Shaken for Three Hours.

Twenty Thousand Persons are Rendered Homeless, Factories are Destroyed and Business is at a Standstill as the Result of a Fire Which Swept the City of Iloilo on the Island of Panay—Heavy Loss of Life is Also Feared.

Manila, P. I., April 19.—Driven by a fierce gale a fire swept across the town of Iloilo, island of Panay, today, practically destroying the town, and a panic prevails. It is believed there has been a heavy loss of life. Fully 20,000 persons were rendered homeless and the authorities have lost control of the situation completely. The fire started early and efforts to fight it were unavailing. Every one was driven from the threatened districts. Iloilo is the capital of the province by the same name. The city had considerable business and many manufacturing enterprises are reported destroyed. Last night a large portion of the Philippines were shaken by an earthquake. Southern Luzon suffered severely. Great damage was done in the towns of Nueva Caeres, Teyabar and Camarines, but no loss of life is reported. Manila was slightly shaken for three hours.

NEEDS A VALET MORE THAN AN ATTORNEY

Delmas Gives His Reasons for Retiring From the Thaw Case—Says Thaw Wants too Much From His Counsel.

New York, April 19.—Mr. Delmas, Thaw's counsel, today made a statement explaining his withdrawal saying that he refused to continue, despite the entreaty of Thaw's relatives because he could not reconcile his dignity as an attorney with what Thaw demanded of his counsel. "Thaw," Delmas said, "is not as much in need of an attorney as of a valet. The tombs prisoner demands that his lawyers shall be at his beck and call every moment of the day or night." Delmas says he has written Thaw's family to the above effect.

New York, April 19.—Three members of the jury which tried Thaw were

HARMON IS MENTIONED FOR THE PRESIDENCY

From Washington Comes the Report That the Ohioan Who was in President Cleveland's Cabinet May Oppose the Nebraskan.

Washington, April 19.—The Democratic party is not going to allow its enemy to occupy every portion of the political stage in Ohio, at least so far as presidential candidates from the Buckeye state are concerned. It was announced in Washington yesterday that in all probability the name of Judson Harmon of Cincinnati, who was attorney general in President Cleveland's cabinet, will be presented for the Democratic presidential nomination against William Jennings Bryan, and that Mr. Harmon will have a large following among the so-called conservative members of the party which he represents. It is further stated Mr. Harmon has been approached on the subject, and that he has given his consent to the use of his name in this connection. With the candidacies of Senator Foraker and Secretary Taft on the Republican side, and Judge Harmon representing the Democrats of the Buckeye state, Ohio is bound to remain the center of political interest during the next few months. It is said by the Cincinnati judge's friends that already some of the most prominent Democrats in the country have expressed a desire that he should be put up against the Nebraska man in the presidential race.

GRADE CROSSINGS MUST BE ELIMINATED

Akron, O., April 19.—Judge Wamaker declared constitutional the Ohio law, providing for the abolition of grade crossings, where traction and railroad lines meet, and decides that the traction lines can be compelled to pay their share of the expense.

West Farmington, Ohio, April 19.—The Weibush Flouring Mills were burned this morning; loss, \$12,000.

BANK ROBBERS MAKE HAUL AND ESCAPE

Weston, Illinois, April 19.—Bank robbers early this morning blew open the safe of the Weston Banking company with dynamite and escaped with all the funds, estimated at \$5,000.

Citizens, aroused by three explosions, rushed to the street, but were driven back under a hail of shots from the bandits. The latter fled on a hand car and a posse is in pursuit.

REPUBLICANS JOIN IN PRAISING W. J. BRYAN

Connecticut's General Assembly Meets in Joint Session to Listen to the Commoner for an Hour and a Half on Representative Government.

Hartford, Conn., April 19.—William Jennings Bryan was the guest of the general assembly yesterday. He came to Connecticut to lecture in this city, and Danbury under the auspices of the Democratic state central committee.

At the capitol, Mr. Bryan was received by Governor Woodruff, and informally met many prominent men of the state. At noon the senate joined the House of representatives in convention, and heard an address by Mr. Bryan.

Mr. Bryan spoke an hour and a half upon representative government, and in closing made a plea for good government.

He said that while waiting for the time to speak he had visited the state library, and had found a copy of the "Blue Laws," and having read them he wanted to say that he much preferred the "blue laws" of Connecticut to some laws recently adopted in other states.

He also referred to finding a picture of an Indian chief called "Mugwump," and it was a new fact to him that the name originated in Connecticut. He did not understand it until he saw the chief's signature. This, he said, was a crooked mark, which wriggled around and zig-zagged, first one way and then another.

He then referred to the "Mugwump" in politics, and said that after all the best citizen is the one who votes a ticket as his conscience dictates. He discussed the

principle of the initiative and referendum and advocated a law to prohibit corporations from contributing to campaign expenses.

The dinner given in honor of Bryan by the Democratic state central committee was a purely nonpartisan affair. Among the guests were many Republicans including Governor Woodruff.

The governor in the course of his remarks said that Colonel Bryan's ambition is to become president of the United States and he won't be happy until he gets it. Following this up the governor said: "I wish he was governor of Connecticut, it might cure him of his political ambition. I would like to see him tackle our Libby."

In the course of his remarks, he welcomed Mr. Bryan as one of the foremost men in America today, and a man who held the good will and respect of any true American.

Mr. Bryan, in the course of his address, said that he could not understand how it was that the Republicans who express so much love for him here, could control their affections so admirably on election day.

He said he realized that he was nominated for the presidency by men who deserted the Democratic party, but he honored and respected the men who left the ranks when their conscience told them they should go, much more than the men who voted for him when they did not have moral courage to do it otherwise.